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OCT 11 2012



Michael Th. Bourque  
Assistant General Counsel

OFFICE OF  
ENVIRONMENTAL CLEANUP

Praxair, Inc.  
Law Department M1-537  
39 Old Ridgebury Road  
Danbury, CT 06810-5113  
Direct Dial 203.837.2675  
Fax Number 203.837.2545

Via Federal Express

October 10, 2012

Mr. Aaron Lambert, Environmental Protection Specialist  
U.S. Environmental Protection Agency, Region 10  
Environmental Cleanup Office, ECL-111  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101

Re: Response of Praxair, Inc. to Request for Information Pursuant to Section 104(e) of CERCLA for the Lower Duwamish Waterway Superfund Site, Seattle, Washington

Dear Mr. Lambert:

This responds to the letter from Mr. Shawn Blocker, dated May 22, 2012, which submitted to Praxair, Inc. ("Praxair") a Request for Information ("RFI") pursuant to Section 104(e) of CERCLA for the Lower Duwamish Waterway Superfund Site in Seattle, Washington. By your letter of September 20, 2012, you provided Praxair with a second extension to the deadline for submission of its response to this RFI. The attached Response of Praxair to the RFI is being submitted within the extended deadline of October 10, 2012.

If you have any questions regarding the attached materials, please contact me at 203-837-2675 or michael\_bourque@praxair.com.

Sincerely,

Michael Th. Bourque

cc: James N. Merriam



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Praxair, Inc.'s Response to  
Request for Information Pursuant to Section 104(e) of CERCLA for the  
Lower Duwamish Waterway Superfund Site, Seattle, Washington

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## Introductory Statement

This response is provided on behalf of Respondent, Praxair, Inc. ("Praxair") regarding Liquid Carbonic Corporation (LCC), which Praxair acquired as part of its acquisition of CBI Industries, Inc. (CBII) on December 15, 1995. At that time, CBII was the parent company of LCC, which was a wholly-owned subsidiary of Liquid Carbonic Industries Corporation (LCIC). CBII had acquired 100% of the stock of LCIC from Houston Natural Gas Corporation on August 1, 1984. Liquid Carbonic was one of three business units that CBII operated at the time of its acquisition. As a result of the December 1995 transaction, LCC was merged into Praxair. As for the other business units, Chicago Bridge & Iron was spun off in 1996, and Statia Terminals was sold shortly thereafter.

At the time Praxair merged with LCC, the Site had been closed for over a year. Based on investigation of records and witnesses, Praxair did not obtain or retain the plant records for the Site. As a result, the responses provided herein are based largely on information provided by employees or former employees and documents generated after the acquisition of LCC, and before the sale of the Site in June 1997.

Respondent has asserted specific objections to certain Requests, as provided herein. In addition, Respondent asserts general objections to Requests that are overbroad, unduly burdensome or not relevant to the Site or its operations. Respondent objects to the Instructions to the extent that they are overly prescriptive, unduly burdensome, and outside the scope of Section 104(e) of CERCLA. In particular, Respondent objects to the instruction regarding the certification of accuracy, as there is no requirement to provide such a certification under the relevant provisions of CERCLA.

## Requests and Responses

### 1. Respondent Information

- a. Provide the full legal name and mailing address of the Respondent.

Praxair, Inc.  
39 Old Ridgebury Road  
Danbury, CT 06810

- b. For each person answering these questions on behalf of Respondent, provide:  
i. full name:

- ii. title
- iii. business address
- iv. business telephone number and FAX machine number

Michael Th. Bourque  
Assistant General Counsel  
39 Old Ridgebury Road  
Danbury, CT 06810  
203-837-2675 (business phone)  
203-837-2515 (fax)

c. If Respondent wishes to designate an individual for all future correspondence concerning this Site, indicate here by providing that individual's name, address, telephone number, and fax number.

See answer to question 1b.

d. State the dates during which Respondent held any property interests at or within one-half mile of the Site.

Respondent has no documentation regarding the date or dates when LCC first held property interests in the Site. Based on information provided by current and former employees, it is believed that there were activities on the site as early as the 1930s. All property interest in the site was transferred on June 13, 1997, when the property was sold to David Angevine and Merle Angevine.

e. State the dates during which Respondent conducted any business activity at or within one-half mile of the Site.

Respondent has no documentation regarding the time period when LCC first conducted any business activity on the Site. Based on investigation of records and witnesses, there were business activities on the Site as early as the 1930s. Operations at the site continued until early 1994, when the LCC facility was closed.

f. Describe the nature of Respondent's business activities at the Site or within one-half mile of the Site.

Based on information provided by current and former employees, LCC operated a carbon dioxide (CO<sub>2</sub>) plant and a Dry Ice Facility at the Site.

g. In relation to your answer to the previous question, identify all materials used or created by your activities at the Site, including raw materials, commercial products, building debris, and other wastes.

The CO<sub>2</sub> plant used fuel exhaust and generated steam to create CO<sub>2</sub> through a combustion process. Other materials used in this process included: Bunker C fuel oil, which fueled the boilers; hydraulic fluid, which was used in compressors in the CO<sub>2</sub>



plant, and lubricating oils, which were used in pumps and mechanical equipment throughout the Site. In addition, it appears that LCC used ethanolamine (MEA) as part of the recovery process to remove CO<sub>2</sub> from flue gas. The Dry Ice facility used CO<sub>2</sub> and small amounts of glycol to produce dry ice, which was packaged in paper or plastic. This process also had compressors, which used hydraulic fluids.

As a result of operations, there were wastewater discharges of cooling water and boiler blowdown, which may have contained water treatment chemicals. Solvents would have been used in maintenance and customer service operations, although there are no records of which solvents were used. There is documentation that drums of chemicals kept in the storeroom of the plant were properly identified and disposed of after the acquisition by Praxair, but the nature of these chemicals and ultimate disposition is unknown at this time, other than small amounts of mercury, which had been used in maintenance of switches and instrumentation.

We have no information on building debris or other wastes, other than those identified as part of the Remedial Action undertaken at the site subsequent to plant closure under the Model Toxics Control Act (MTCA) in the late 1990s.

h. If Respondent, its parent corporation, subsidiaries or other related or associated companies have filed for bankruptcy, provide:

- i. the U.S. Bankruptcy Court in which the petition was filed;
- ii. the docket numbers of such petition;
- iii. the date the bankruptcy petition was filed;
- iv. whether the petition is under Chapter 7, Chapter 11, or other provision; and
- v. a brief description of the current status of the petition.

Not Applicable.

## **2. Site Activities and Interests**

a. Provide all documents in your possession regarding the ownership or environmental conditions of the Site, including, but not limited to, copies of deeds, sales contracts, leases, blueprints, "as-builts" and photographs. Environmental conditions of the Site includes information related to soil, sediment, water (ground and surface), and air quality, such as, but not limited to:

- i. Any spill, leak, release, or discharge of a hazardous substance, waste, or material at or near the Site;
- ii. Occurrences of violations, citations, deficiencies, and/or accidents concerning the Site;
- iii. Remediation or removal of contaminated soils, sediments, or other media at the Site; and
- iv. Investigations, inspections, sampling and reports generated by Respondent and/or others regarding the Site and surrounding area.

Respondent has attached all documents in its possession relating to ownership of the Site, specifically the sale of the Site in 1997. Respondent has limited documentation relating to environmental conditions on the site, including documents to or from the Washington State Department of Ecology, which are also attached. These documents make reference to numerous environmental reports prepared in the period 1993 to 1997, but Respondent does not have copies of these reports in its files. Summaries of certain data and conclusions from certain of these reports were located and are attached.

b. Provide information on the condition of the Site when purchased or at the beginning of the relevant time period; describe the source, volume, and content of any fill material used during the construction of the buildings, including waterside structures such as seawalls, wharves, docks, or marine ways. Additionally, describe any subsequent improvements, alterations, demolitions or additions to the physical structures or the Site itself.

After a diligent investigation, Respondent has no information regarding the condition of the Site when purchased. Information about demolition and excavation activity associated with remedial actions under the MTCA is provided in attached documents prepared by Summit Envirosolutions.

c. Provide all information, documentation, and any permits pertaining to past dredging or filling at the Site.

After a diligent investigation, Respondent has no direct information regarding dredging or filling at the Site. However, attached reports refer to the existence of fill materials at the Site.

d. Provide a brief summary of the activities conducted at the Site while under Respondent's ownership or operation. Include process diagrams or flow charts of the industrial activities conducted at the Site.

See 1g. The manufacturing plant contained an engine room, shop or production area, boiler room and stack. There was an extensive office area, as the Site was used a regional headquarters for the company. There were also areas where maintenance and customer service technicians conducted service activities. During some period, the Site contained underground storage tanks for Bunker C fuel and MEA. Respondent has few documents regarding industrial activities and only several diagrams that were produced in connection with the remedial actions under the MTCA.

e. Provide all documents pertaining to sale, transfer, delivery, disposal, of any hazardous substances, scrap materials, and/or recyclable materials to or from the Site.

After a diligent investigation, Respondent has no documents responsive to this request, other than documents related to the remedial actions on the site under the MTCA.

f. Provide all information on electrical equipment used at the Site, including transformers or other electrical equipment that may have contained polychlorinated biphenyls (PCBs).

The site was not a significant user of electrical power; however, there were electrical transformers on the property.

g. Provide information on the type(s) of oils or fluids used for lubrication of machinery or other industrial purposes, and any other chemicals or products which are or may contain hazardous substances which are or were used at the Site for facility operations.

See response to Request 1g.

h. Provide any site drainage descriptions, plans or maps that include information about storm drainage which includes, but is not limited to, above and below surface piping, ditches, catch basins, manholes, and treatment/detention or related structures including outfalls. If available, also include information about connections to sanitary sewer.

After a diligent investigation, Respondent has attached the maps and descriptions of the Site that were identified in available records.

i. With respect to past and current site activities, provide copies of any stormwater or drainage studies, including data from sampling, conducted at the Site. Also provide copies of any StormWater Pollution Prevention, Maintenance Plans, Spills Plans, and any stormwater, process water, or any other discharge permits including all sampling and monitoring reports and data that may have been developed or obtained for different operations during Respondent's occupation of the property.

After a diligent investigation, Respondent has no documents responsive to this request.

### **3. Information About Others**

a. Describe any business relationship you may have had regarding this property or operations thereon with the following entities:

i. CB&I Industries, Inc.;

Respondent acquired CBI Industries, Inc. (CBII), which was merged into Praxair on December 15, 1995. CBII was the parent company of Liquid Carbonic Corporation, which had operated on the property prior to Praxair's acquisition of CBII.

ii. Chicago Bridge & Iron Company;

Chicago Bridge & Iron Company (CB&I) was one of three business units operated by CBII at the time Respondent acquired the company in December 1995. CB&I was spun

off as an initial public offering in 1996, and is now a separate corporation. Respondent is not aware of any business relationship with CB&I on the property.

iii. General Dynamics Corporation; and

General Dynamics was the former parent company of LCC, and in this capacity had property interests in the Site during some period of operations. Respondent is not aware of any business relationship with General Dynamics on the property.

iv. Liquid Carbonic Industries Corporation.

Liquid Carbonic Industries Corporation (LCIC) was the parent company of Liquid Carbonic Corporation (LCC) and one of three business units operated by CBII at the time Respondent acquired the company in December 1995. The only business relationship Respondent had was as parent company to LCC, which owned and had formerly operated on the property.

- b. Provide the names and last known address of any tenants or lessees, the dates of their tenancy and a brief description of the activities they conducted while operating on the above mentioned Site.

After a diligent investigation, Respondent has no information responsive to this request. As stated in response to request 1d above, the property was sold in June 1997. Respondent is not aware of the activities on the Site subsequent to the sale.

- c. If not already provided, identify and provide the last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous materials to or from , the Site.

Mark Snyder, former employee of Liquid Carbonic and current Praxair CO2 Support Manager, Tonawanda, NY

Rick Sims, former employee of Liquid Carbonic and current Praxair Facilities Manager, Magna, UT

Cleve Guessford, former employee of Liquid Carbonic and current Praxair Facilities Manager, Ferndale, WA

**4. Financial Information**

- a. Provide true and complete copies of all federal income tax documents, including all supporting schedules, for 2006, 2007, 2008, 2009, and 2010. Provide the federal Tax Identification Number and, if documentation is not available, explain why in detail.

Respondent objects to this request to the extent it seeks extensive documentation and information already in the possession of the federal government. However, we have attached the last three Annual Reports for Praxair, Inc., which provide detailed financial statements and information. The Federal Tax Identification Number for Praxair, Inc. is

- b. Provide the Respondent's financial interest in, control of, or that the Respondent is a beneficiary of any assets (in the U.S., or in another country) that have not been identified in your federal tax returns or other financial information to be presented to EPA. If there are such assets, identify each asset by type of asset, estimated value, and location.

See response to Request 4a.

- c. If Respondent is, or was at any time, a subsidiary of, or otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:

- i. a general statement of the nature of the relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;
- ii. the dates such relationship existed;
- iii. the percentage of ownership of Respondent that is held by such other entity(ies);
- iv. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;
- v. provide any and all insurance policies for such affiliated entity(ies) which may cover the liabilities of the Respondent at the Site; and
- vi. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

Respondent objects to this Request as overbroad and unduly burdensome. Notwithstanding this objection, see response to Request 3a.

## **5. Insurance Coverage**

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the site or facility and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies). Include, without limitation, all primary, excess, and umbrella policies, and include years such policies were in effect.



Respondent objects to this Request as overbroad and unduly burdensome. Notwithstanding this objection, Respondent has provided certain documentation relating to insurance policies maintained by CBII, which applied to operations of the Site. Respondent only owned the Site from December 1995 to June 1997. During this period, the property was covered under Praxair's insurance policies, which contained absolute pollution exclusion language. Copies of the Novation Agreement relating to the acquisition of CBII have been provided.

b. If there are any such policies from question "5a" above which existed, but for which copies are not available, identify each such policy by providing as much of the following information as possible:

- i. the name and address of each insurer and of the insured;
- ii. the type of policy and policy numbers;
- iii. the per occurrence limits of each policy; and
- iv. the effective dates for each policy.

Not Applicable.

c. Identify all insurance brokers or agents who places insurance for the Respondent at any time during the period being investigated, as identified at the beginning of the request, and identify the time period during which such broker or agent acted in this regard.

See response to Request 5a.

d. Identify all communication and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the site. Include any responses from the insurer with respect to any claims.

Respondent objects to this request as overly broad and unduly burdensome. Notwithstanding this objection, after a diligent investigation, Respondent has no information responsive to this request as it relates to the Site.

e. Identify any previous settlements with any insurer in connection with the site, or for any claims for environmental liabilities during the time period under investigation. Include any policies surrendered or cancelled by the Respondent or insurer.

Respondent objects to this request as overly broad and unduly burdensome. Notwithstanding this objection, after a diligent investigation, Respondent has no information regarding previous settlements or claims regarding environmental liabilities as it relates to the Site.

f. Identify all insurance, accounts paid, or accounting files that identify Respondent's insurance policies.

See response to Request 5a.

g. Identify Respondent's policy with respect to document retention.

Respondent has a specific document retention policy that determines the management, maintenance and destruction of documents. The retention of documents is based on a schedule that correlates to the type of document in Praxair's files.

**6. Compliance with This Request**

a. Describe all sources reviewed or consulted in responding to this request, including but not limited to:

i. the name and current job title of all individuals consulted;

Robert Brown, Senior Facilities Manager, Praxair Distribution Inc., Burlington, NJ  
Paula Cleary, Senior Paralegal, Corporate Secretary's Office, Praxair, Inc., Danbury, CT  
Ed DeBor, Vermont Records Center, Morrisville, VT  
Nicholas DiFranco, former Environmental Manager, Praxair, Inc., Keasby, NJ  
Louise Duplessis, Senior Paralegal, Litigation, Praxair, Inc., Danbury, CT  
Ed Durkin, Real Estate, General Services Director, Praxair, Inc., Danbury, CT  
Jonathon Flood, Director Corporate Accounting, Praxair, Inc., Danbury, CT  
Cleve Guessford, Facilities Manager, Praxair, Inc., Ferndale, WA  
James Merriam, Director Environmental Affairs, Praxair, Inc., Keasby, NJ  
Lynne Misedra, Senior Administrative Specialist, Praxair, Inc., Danbury, CT  
Rick Sims, Facilities Manager, Praxair, Inc., Magna, UT  
Mark Snyder, CO2 Support Manager, Praxair, Inc., Tonawanda, NY  
Rick Steinseifer, VP Mergers & Acquisitions, Praxair, Inc., Danbury, CT  
Chris Tiberio, Risk Management Director, Praxair, Inc. Danbury, CT  
Mark Tietje, Safety & Environmental Services Director, Praxair, Inc., Burr Ridge, IL

ii. the location where all documents reviewed are currently kept.

All documents reviewed are kept in the Vermont Records Center, the archive for Praxair, Inc. records.